

City Council Agenda

Council President
Lee Brand

Councilmembers

Oliver L. Baines III
Andreas Borgeas
Clinton J. Olivier - Acting President

Sal Quintero
Larry Westerlund
Blong Xiong

City Manager
Mark Scott

City Clerk
Rebecca E. Klisch, CMC

City Attorney
James C. Sanchez

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

The City Council welcomes you to the Council Chambers, located in City Hall, 2nd Floor, 2600 Fresno Street, Fresno CA 93721.

March 10, 2011

8:30 A.M. ROLL CALL

Invocation

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Proclamation of "MULTIPLE SCLEROSIS AWARENESS WEEK" – Council President Brand – **Read and presented**

Presentation regarding Fresno Food Festival – Downtown and Community Revitalization Department – **Presentation made**

The agenda and related staff reports are available on (www.fresno.gov) as well as in the office of the City Clerk. The Council meeting can also be heard live at the same web site address, or viewed live on Cable Channel 96 and re-played beginning at 8:00 p.m.

PROCESS: For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve minutes of March 3, 2011

Action Taken: Approved

Councilmember Reports and Comments

Action Taken: Made

Approve Agenda

Action Taken: Approved, as amended

Adopt Consent Calendar

Action Taken: Adopted

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered as time permits.

A. Approve a representative to the San Joaquin Valley Air Board and an alternate – Council President Brand

Action Taken: Discussed and continued one week

B. Approve appointments of Councilmember Baines and Deputy City Manager Nicole Zieba to the Fresno Regional Workforce Investment Board; the reappointment of Kathleen Reyna to the Street Impact Fee Appeals Board, the reappointments of Edward Howard (At-Large), Jack Osterhaus (At-Large) and Russ Wright (Owner) to the Mobile Home Rent Review and Stabilization Commission – Mayor's Office

Action Taken: Approved

CONTESTED CONSENT CALENDAR

SCHEDULED COUNCIL HEARINGS AND MATTERS

8:30 A.M. **JOINT MEETING WITH THE FRESNO REDEVELOPMENT AGENCY**

Approve Agency minutes of March 3, 2011

Action Taken: Approved

A. Agency Board and the City Council take the following actions:

1. **RESOLUTION** - Making certain findings pursuant to CEQA Guidelines 15168 and 15180, and Section 33445 of the Community Redevelopment Law, authorizing the Agency's construction of the East Avenue improvements – RDA Project No. 39-392, located within the South Fresno Industrial Revitalization Project Area **(Council and Agency action)**, and
2. Agency Board awards a contract in the amount of \$441,936.30 to B&B Construction services for the construction of the East Avenue improvements – RDA Project No. 39-392 **(Council and Agency action)**

Action Taken: Removed from agenda/approved at 3/8/11 special meeting

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

8:30 A.M.

JOINT MEETING WITH THE FRESNO REDEVELOPMENT AGENCY CONTINUED

- B. Agency Board adopt a Finding of Categorical Exemption pursuant to Article 19, Section 15301/Class 1 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines for demolition and clearance of buildings located at Ventura and "M" Streets (2304-2316 Ventura St., and 546-550 "M" St), located in the Convention Center Redevelopment Area; and **(Agency action)**
1. Award a contract to the lowest responsive and responsible bidder for the demolition and clearance of buildings located at Ventura and "M" Streets (2304-2316 Ventura St., and 546-550 "M" St), located in the Convention Center Redevelopment Area **(Agency action) (Property located in District 3)**
Action Taken: Removed from agenda/approved at 3/8/11 special meeting
- C. Agency Board authorize the Executive Director to enter into an Owner Participation Agreement between the Redevelopment Agency of the City of Fresno, Harry R. Boyajian and Daniel C. Boyajian (APN 466-182-29, and 40) in the Fulton Redevelopment Project Area **(Agency action) (Property located in District 3)**
Action Taken: Removed from agenda/approved at 3/8/11 special meeting
- D. **RESOLUTION** - Approving a Redevelopment Grant Agreement between the 21st District Agricultural Association, The Big Fresno Fair, an institution of the State of California and the Redevelopment Agency of the City of Fresno, and making certain findings pursuant to Health and Safety Code Section 33445 of the Community Redevelopment Law, regarding an Agency Grant to help fund improvements by the Big Fresno Fair along Kings Canyon road, located within the Southeast Fresno Revitalization Redevelopment Project Area **(Council and Agency action) (Property located in District 5)**
Action Taken: Removed from agenda/approved at 3/8/11 special meeting
- E. **RESOLUTION** – Authorizing deposit of tax-increment funds into the low and moderate income housing fund for the Southeast Fresno Revitalization Project Area **(Agency action) (Property located in District 5)**
Action Taken: Removed from agenda/approved at 3/8/11 special meeting
- F. **RESOLUTION** - Authorizing deposit of tax-increment funds into the low and moderate income housing fund for the Southwest Fresno GNRA Project Area **(Agency action) (Property located in District 3)**
Action Taken: Removed from agenda/approved at 3/8/11 special meeting
- G. Approve and authorize the Executive Director to enter into a Disposition and Development Agreement between the Redevelopment Agency of the City of Fresno (the "Agency") and Edison Plaza Partners, LP, a California limited partnership (the "Developer") for a mixed income/multi-family housing project, approximately 6.9 acres located south of Lorena Street and west of Walnut Street, subject to City Attorney approval as to form **(Council and Agency action) (Property located in District 3)**
1. **RESOLUTION** - Approving a Disposition and Development Agreement between the Redevelopment Agency of the City of Fresno and Edison Plaza Partners, LP, a California limited partnership, authorizing execution of related documents and making certain findings **(Council and Agency action)**
Action Taken: Removed from agenda/approved at 3/8/11 special meeting

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

8:30 A.M.

JOINT MEETING WITH THE FRESNO REDEVELOPMENT AGENCY CONTINUED

- H. **Agency Board take the following actions:**
1. Adopt a finding of a Categorical Exemption per staff determination, pursuant to Section 15332 Class 32 of the CEQA Guidelines, for the development of a 19-unit mixed use residential project located at 1608 Broadway Street **(Agency action) (Property located in District 3)**
 2. Recommend approval of an Owner Participation Agreement (OPA) between the Redevelopment Agency and FFDA, Inc. for the development of a new 19-unit mixed-use residential project located at 1608 Broadway Street within the Fulton Redevelopment Project Area **(Agency action)**
Action Taken: Removed from agenda/approved at 3/8/11 special meeting
- I. **Agency Board take the following actions:**
1. Adopt a finding of a Categorical Exemption per staff determination, pursuant to Section 15332 Class 32 of the CEQA Guidelines, for the development of a 27-unit mixed-use residential project located at 1636-1660 Broadway Street **(Agency action) (Property located in District 3)**
 2. Recommend approval of an Owner Participation Agreement (OPA) between the Redevelopment Agency and FFDA, Inc for the development of a new 27-unit mixed-use residential project located at 1636-1660 Broadway Street within the Fulton Redevelopment Project Area **(Agency action)**
Action Taken: Removed from agenda/approved at 3/8/11 special meeting
- J. **RESOLUTION** - Approving a Reimbursement Agreement between the City of Fresno and the Redevelopment Agency, and making certain findings pursuant to Section 33445 of the Community Redevelopment Law, authorizing the Redevelopment Agency to reimburse costs for installing various public improvements located within or outside the Airport Area Revitalization Redevelopment Project Area **(Council and Agency action) (Property located in District 4)**
Action Taken: Removed from agenda/approved at 3/8/11 special meeting
- K. Consider recommending to the Agency Board to authorize the Executive Director to enter into a Purchase and Sale Agreement with the City of Fresno for APNs 493-020-19; and to take all other actions as necessary and consistent with Agency Board approval. The property is located within the Airport Area Revitalization Redevelopment Project Area **(Agency action) (Property located in District 4)**
1. Approve a Deed of Trust against property APN 493-020-19 in favor of the City of Fresno
Action Taken: Removed from agenda/approved at 3/8/11 special meeting
- L. Consider recommending to the Agency Board to authorize the Executive Director to enter into a Purchase and Sale Agreement with SABB, Inc. for APN 448-030-04; and to take all other actions as necessary and consistent with Agency Board approval. The property is located within the South Van Ness Industrial Revitalization Project Area **(Agency action) (Property located in District 3)**
Action Taken: Removed from agenda/approved at 3/8/11 special meeting

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

8:30 A.M.

JOINT MEETING WITH THE FRESNO REDEVELOPMENT AGENCY CONTINUED

- M.** Adopt a finding of a Categorical Exemption per staff determination, pursuant to Section 15332 Class 32 of the CEQA Guidelines, for the development of a 62-unit mixed-use residential project located at Fulton and Calaveras Streets currently owned by the City of Fresno Cultural Arts Properties, (COFCAP) Inc. **(Agency action) (Property located in District 3)**
1. Recommend approval of an Owner Participation Agreement (OPA) between the Redevelopment Agency of the City of Fresno and FFDA Properties, LLC for the development of a new 62-unit mixed-use residential project located at Fulton and Calaveras Streets within the Fulton Project Area **(Agency action)**
Action Taken: Removed from agenda/approved at 3/8/11 special meeting
- N.** Consider approval of the following actions relating to Agency financing of the proposed rehabilitation of the former Hotel Fresno building, located at 1263 Broadway Plaza, within the Central Business District Redevelopment Area:
1. Adopt a finding of a Categorical Exemption per staff determination, pursuant to Section 15331 Class 31 of the CEQA Guidelines, for the rehabilitation of the former Hotel Fresno into a 72-unit mixed-use, mixed income development located at 1263 Broadway Plaza (APN: 466-214-01) **(Agency action) (Property located in District 3)**
 2. Approve an Owner Participation Agreement (OPA) between the Redevelopment Agency of the City of Fresno and Hotel Fresno, LLC for the rehabilitation of the former Hotel Fresno into a 72 -nit mixed-use, mixed income development located at 1263 Broadway Plaza (APN:466-214-01) within the Central Business District Redevelopment Area.
(Agency action)
Action Taken: Removed from agenda/approved at 3/8/11 special meeting
- O. RESOLUTION -** Authorizing the execution of a cooperative agreement between the Fresno Redevelopment Agency and the City of Fresno for the expenditure of tax increment funds for specified public improvements and redevelopment activities and adopting findings required by Health and Safety Code Section 33445 **(Council and Agency action)**
Action Taken: Removed from agenda/Not approved at 3/8/11 special meeting

ADJOURN AGENCY

9:00 A.M. #1

GENERAL ADMINISTRATION

- A.** Adopt Finding of Categorical Exemption, pursuant to Article 19, Section 15301/Class 1 (Existing Facility), of the CEQA Guidelines, for the Fresno Area Express (FAX) bus stop maintenance and repair project - Public Works and Transportation Departments
Action Taken: Adopted
1. Award a construction contract in the amount of \$1,185,612.64 to Dave Christian Construction Company Inc. of Fresno, CA, for construction of the FAX bus stop maintenance and repair project **(Citywide)**
Action Taken: Awarded
- B.** Adopt Finding of Categorical Exemption, pursuant to Article 19, Section 15301/Class 1 (Existing Facility) and Section 15302/Class 2 (Replacement or Reconstruction), of the CEQA Guidelines, for the Fresno Area Express (FAX) bus stop sign upgrade project - Public Works and Transportation Departments
1. Award a construction contract in the amount of \$423,905.00 to Chrisp Company of Fremont, CA, for construction of the FAX bus stop sign upgrade project (Citywide)
Action Taken: Discussed and continued one week

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

9:00 A.M. #1 GENERAL ADMINISTRATION CONTINUED

- C. Adopt a Finding of Class 1,2 and 3 Categorical Exemption pursuant to Section 15301 (B) (Existing Facilities), 15302, and 15303 of the California Environmental Quality Act Guidelines for the design-build of a emission control system, including the add alternate for a five (5) year maintenance service agreement for the power generation facility at the Fresno/Clovis Wastewater Reclamation Facility – Dept. of Public Utilities
Action Taken: Adopted
1. * **RESOLUTION – 73rd** amendment to Annual Appropriation Resolution (AAR) No. 2010-138 appropriating \$291,400 for the design build of an emissions control system at the Fresno/Clovis Wastewater Reclamation Facility **(Requires 5 affirmative votes)**
Action Taken: Resolution No. 2011-43 adopted
2. Award a \$1,211,384 contract to R.F. MacDonald Co. of Modesto, California for the design, construction and maintenance thereof
Action Taken: Awarded

9:00 A.M. #2 CITY COUNCIL

- A. **BILL - (For introduction)** - Amending Section 4-107(g) of the Fresno Municipal Code relating to contracts not requiring competitive bidding - (Fresno City Finance & Audit Committee: Members Borgeas, Brand, Xiong)
Action Taken: Bill No. B-8 introduced/laid over

10:00 A.M.#1 HEARING to consider Rezone Application No. R-10-09, and environmental findings, filed by Lauro Si So of Family Dentistry, pertaining to approximately 0.14 acres of property located on the southwest corner of the intersection of W. Olive and N. Adoline Avenues **(Property located in District 3)** – Development and Resource Management Department

Action Taken: Held

- a. Consider and adopt the environmental Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR) No. 10130 and the Mitigated Negative Declaration for Plan Amendment A-09-02 (Air Quality MND), prepared for Environmental Assessment No. R-10-09/S-10-74
Action Taken: Adopted
- b. **BILL –** Amending the Official Zone Map to rezone the approximately 0.14 acre subject property from the R-2-A (*Low Density Multiple Family Residential, One Story*) zone district to the C-5 (*General Commercial*) zone district
Action Taken: Bill No. B-9/Ordinance No. 2011-7 adopted

10:00 A.M.#2 HEARING consider the 2011 weed abatement program and adoption of an ordinance approving the 2011 weed abatement program – Planning and Development Dept.

Action Taken: Held

- a. **BILL – (For introduction)** Approving the procedures for the annual 2011 weed abatement program
Action Taken: Bill No. B-11 introduced/laid over

10:15 A.M. HEARING to consider Rezone Application No. R-09-011 and Environmental Assessment No. R-09-011/V-09-005, filed by Harbour & Associates, on behalf of 2M Development Corporation, pertaining to approximately 0.26 acre of property located on the southwest corner of E. Tyler and N. Garden Avenues **(Property located in District 7)** –Development and Resource Management Department

Action Taken: Held

- a. Consider and approve the environmental finding of a Finding of Conformity for Environmental Assessment No. R-09-011/V-09-005, dated December 17, 2010
Action Taken: Approved
- b. **BILL -** Amending the Official Zone Map to rezone approximately 0.26 acre from the R-A (*Single Family Residential – Agricultural District*) zone district to the R-1/cz (*Single Family Residential District/condition of zoning*) zone district
Action Taken: Bill No. B-10/Ordinance No. 2011-8 adopted

CLOSED SESSION

- A. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)
1. **Case Name:** Tommy Allen, et al. v. City of Fresno, et al. US District Court Case No. 1:06-CV-01469-AWI-SMS
 2. **Case Name:** Robert Nevarez, et al. v. City of Fresno, et al. Fresno County Superior Court Case No. 11CECG00632
Action Taken: Held

PLEASE NOTE: SCHEDULED AND UNSCHEDULED COMMUNICATIONS ARE NOT TIMED AND MAY BE HEARD ANY TIME DURING THE MEETING

SCHEDULED COMMUNICATION –

UNSCHEDULED COMMUNICATION – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk's Office at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda.

SCHEDULED COUNCIL HEARINGS AND MATTERS

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|------|-------------|---------------------------------|--|
| Mar. | 17 - | 10:00 A.M. | HEARING to consider Plan Amendment A-10-005 and environmental findings, filed by the City of Fresno Airports Department, pertaining to property located in and around the Fresno Yosemite Airport, generally bounded by E. Dakota, North Chestnut, E. McKinley and North Clovis Avenues |
| Mar. | 17 - | 10:15 A.M. | CONTINUED HEARING re: reversion of acreage of Final Map of Tract 4983 – Public Works Dept. |
| Mar. | 24 - | | NO MEETING – COUNCIL RECESS |
| Mar. | 31 - | 10:00 A.M. | HEARING ordering the vacation of a portion of the north side of E. Mildreda Avenue between N. Van Ness Avenue and the Van Ness-College Alley (<i>Property located in District 3</i>) |
| Mar. | 31 - | 10:15 A.M. | HEARING re: CFD No. 11, Annexation No. 37, Tract No. 5498 (<i>Property located in District 5</i>) |
| Mar. | 31 - | 10:30 A.M. | CONTINUED HEARING to consider Plan Amendment No. A-10-08, filed Dirk Poeschel Land Development Services |
| Apr. | 7 - | MEETING | |
| Apr. | 13 - (Weds) | 2:00 P.M. | Employee Service Awards Presentation (Reception immediately following – 2 nd floor foyer) |
| Apr. | 14 - | MEETING | |
| Apr. | 21 - | NO MEETING – EASTER WEEK | |
| Apr. | 28 - | MEETING | |